

REMARKS/ARGUMENTS

Claims 11-15 stand rejected under 35 USC 112 as not being supported, the Examiner contending that there is no support in the specification for “nonionic” binding. In response, claim 11, which was the only claim reciting that word, has been amended to delete the same. Accordingly, withdrawal of the §112 rejection is respectfully requested.

Claim 11 stands rejected under 35 USC 103(a) as being unpatentable over newly cited *Grano et al.* in view of the previously cited ‘238 patent. Although the Examiner asserts that applicants’ last amendment necessitated the new ground of rejection presented in the Office Action, that is not believed to be the case. Specifically, the only amendments to the claims that were presented in the January 12, 2007 Amendment (received in the Office January 16, 2007) were to claims 11 and 13; claim 11 was amended to substitute “a plurality of” for “four” membrane bodies and “consist essentially of” for “comprise” and to specify coupling by a “nonionic chemical bond,” while claim 13 was merely amended to correct the spelling of “cysteine.” Thus, there was no amendment whatsoever to the claims’ recital of a protease inhibitor coupled to the membrane body via functional groups, which is the reason put forth by the Examiner in the final rejection for the new citation of *Grano et al.* See final rejection at page 3, last paragraph. Under the circumstances, it is respectfully requested that the final rejection be withdrawn inasmuch as applicant’s Amendment of January 12, 2007 did not necessitate the new ground of rejection. (It is further noted that the Examiner was aware of the *Grano et al.* reference at least as early as January 10, 2007, since she cited the same reference in the Office Action of that date in divisional Application Serial No. 11/436,861.)

In the event the finality of the rejection is not withdrawn, entry of the instant Amendment is respectfully requested on the grounds that the amended claims will simplify

issues for purposes of an appeal, do not raise any new issue and will not require an additional search.

Turning to the merits of the obviousness rejection of claim 11, that claim has been amended to recite that the at least one protease inhibitor is capable of selectively binding with a protease selected from an acidic protease, a metalloprotease, a cysteine protease and one of two serine proteases, namely TLCK and p-aminobenzamidine. Note that the only protease inhibitor coupled to a membrane that is disclosed by the primary *Grano et al.* reference is a specific serine protease inhibitor, namely, trypsin, that is coupled to the membrane by an azo functional group. Reduced to its essence then, the basis for the Examiner's obviousness rejection is evidently that the disclosure of a single protease inhibitor (trypsin) coupled to a membrane by a single functional group (an azo group) renders obvious the binding of any of the claimed different protease inhibitors by any type of functional group. The problem with such an over-simplified position is that the *Grano et al.* reference does not teach any of the chemistry necessary to bind any of the four specific types of protease inhibitors claimed in claim 11. Accordingly, reconsideration is respectfully requested.

Claims 11-15 stand rejected under 35 USC 103(a) as being unpatentable over *Grano et al.* and the previously cited '238 patent as applied to claim 11, and further in view of the previously cited '041 patent. Inasmuch as claim 12 has been cancelled, the rejection is moot as to that claim. Claim 11 is the only independent claim remaining in the application, and claims 13-16, comprising all of the remaining claims, all ultimately depend from claim 11. Claim 11 is not rendered obvious by the combination of *Grano et al.* and the '238 patent by reason of the shortcomings of the primary reference *Grano et al.*, as pointed out above. Accordingly, the

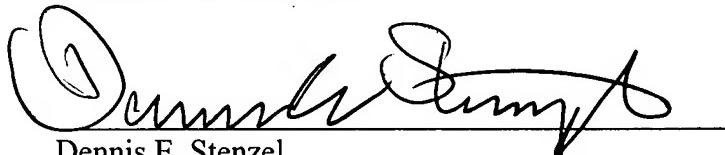
Appl. No. 10/516,405
Amendment Under 37 CFR 1.117 - Expedited: Dated July 13, 2007
Request For Reconsideration Of Final Rejection

obviousness rejection of claims 13-15 and (presumably newly presented claim 16) is without merit.

Moreover, as pointed out in the Amendment dated January 12, 2007, at page 7, the Examiner appears to have entirely overlooked the context in which the list of protease inhibitors found in Table 1 of that patent appears. Those same comments are incorporated herein by reference.

For the reasons stated, early and favorable reconsideration is respectfully solicited.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this AMENDMENT UNDER 37 CFR 1.117 – EXPEDITED/REQUEST FOR RECONSIDERATION OF FINAL REJECTION is being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to: Mail Stop AF, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

July 13, 07
Date



Dennis E. Stenzel